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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,415	11/26/2003	Steven J. Coule	P16512	2629

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/723,415

**Applicant(s)**

COULE, STEVEN J.

**Examiner**

Thjuan P. Knowlin

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-28 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on November 20, 2006 has been entered. Claims 1-3, 8, 9, 13-28, and 30 have been amended. Claims 6, 7, and 29 have been cancelled. No claims have been added. Claims 1-5, 8-28, and 30 are now pending in this application, with claims 1, 19, 23, and 27 being independent.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pagel et al (US Patent Application, Pub. No.: US 2004/0179672 A1), in view of Graves et al (US 7,069,291).

3. In regards to claims 1, 13, and 27, Pagel discloses a method, comprising: monitoring a queuing and distribution module (See Fig. 1, distribution module 102, pg. 2, paragraph [0019] – [0020], and pg. 5, paragraph [0053] – [0054]); gathering statistical information related to a plurality of calls (See pg. 10, paragraph [0094] and pg. 10, paragraph [0096]); and generating a record for the plurality of calls at a call detail record generator (See Fig. 1, scheduling module 122, and pg. 5, paragraph [0051] – [0052]).

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Although Pagel discloses the use of XML formatting (See pg. 13, paragraph [0128], lines 1-3), Pagel does not specifically disclose formatting the record in XML. Graves, however, does disclose formatting call processing and services in XLM format (See col. 3 lines 8-18, col. 12 lines 9-14, and col. 12-13 lines 59-11). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of using XML format for formatting statistical and call detail information.

4. In regards to claims 2, 19, 22, 23, 26, and 28, Pagel discloses all of claims 2, 19, 22, 23, 26, and 28 limitations, except the method and article of manufacture, call distribution telephony device, and computer telephony integration device, further comprising storing the formatted record. Graves, however, discloses storing the formatted record (See col. 7 lines 4-16, col. 8 lines 3-8, col. 8 lines 28-35, col. 12 lines 9-14, and col. 13 lines 4-12).

5. In regards to claim 3, Pagel discloses all of claim 3 limitations, except the method, further comprising searching the formatted record. Graves, however, discloses searching the formatted record (See col. 8 lines 3-8, col. 15 lines 36-42, and col. 22 lines 7-38).

6. In regards to claim 4, Pagel discloses the method, wherein the calls are transmitted from a call center (See Fig. 1, call center 104a-104n, pg. 4, paragraph [0041], and pg. 4, paragraph [0043]).

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7. In regards to claim 5, Pagel discloses the method, wherein the calls are received at a call center (See Fig. 1, call center 104a-104n, pg. 4, paragraph [0041], and pg. 4, paragraph [0043]).

8. In regards to claim 8, Pagel discloses all of claim 8 limitations, except the method, wherein the calls are an Internet protocol telephony call. Graves, however, discloses wherein the calls are an Internet protocol telephony call (See col. 8 lines 47-55).

9. In regards to claim 9, Pagel discloses all of claim 9 limitations, except the method, wherein the calls are a time division multiplexed call. Graves, however, discloses wherein the calls are time division multiplexed calls (See col. 20 lines 57-61).

10. In regards to claim 10, Pagel discloses all of claim 10 limitations, except the method, further comprising identifying agents accessing a call distribution telephony device. Graves, however, discloses identifying agents accessing a call distribution telephony device (See col. 3 lines 1-15).

11. In regards to claim 11, Pagel discloses all of claim 11 limitations, except the method, further comprising validating access to the call distribution telephony device. Graves, however, discloses validating access to the call distribution telephony device (See col. 10-11 lines 53).

12. In regards to claims 12 and 15, Pagel discloses all of claims 12 and 15 limitations, except the method, further comprising queuing a plurality of calls received and distributing the plurality of calls to a plurality of agents in a first received first served basis. Graves, however, discloses queuing a plurality of calls received and distributing

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the plurality of calls to a plurality of agents in a first received first served basis (See col. 9-10 lines 63-2).

13. In regards to claim 14, Pagel discloses the method, wherein the statistical information is manipulated by an application to determine numbers of calls received at various times of day (See pg. 5, paragraph [0054]).

14. In regards to claim 16, Pagel discloses the method, wherein the statistical information includes information related to distribution of the call (See pg. 10, paragraph [0094] and pg. 10, paragraph [0096]).

15. In regards to claim 17, Pagel discloses the method, wherein the statistical information includes information related to a party placing at least one of the plurality of calls (See pg. 10, paragraph [0094] and pg. 10, paragraph [0096]).

16. In regards to claim 18, Pagel discloses the method, wherein the statistical information includes information related to a party to whom the call is directed (See pg. 10, paragraph [0094] and pg. 10, paragraph [0096]).

17. In regards to claims 20, 21, 24, and 25, Pagel discloses all of claims 20, 21, 24, and 25 limitations, except the call distribution telephony device and computer telephony integration device, further comprising an application server interface coupled to the processor and an application server, the application server to determine routing of calls. Graves, however, discloses an application server interface coupled to the processor and an application server, the application server to determine routing of calls (See col. 23 lines 27-35).

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18. In regards to claim 30, Pagel discloses all of claim 30 limitations, except the article of manufacture, wherein the instructions further cause the processor to retrieve the information related to the call from a received call. Graves, however, wherein the instructions further cause the processor to retrieve the information related to the call from a received call (See col. 8-9 lines 63-9).

### ***Response to Arguments***

19. Applicant's arguments with respect to claims 1-5, 8-28, and 30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anisimov et al (US Patent Application, Pub. No.: US 2006/0209797 A1) teach a method for implementing and executing communication center routing strategies represented in extensible markup language.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

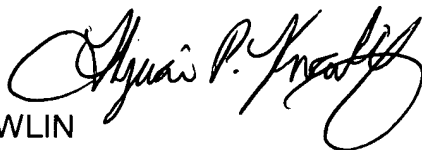
23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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